

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1602 of 2005

Between:

Lt.Col.B.N.S.Tyagir (Retired) S/o.Late Dr.S.L.Tyagi
B.30, Sainikpuri, Secunderabad.

..... PETITIONER

AND

- 1 Sri V.Suri Appa Rao, 1st Addl.District Judge,
R.R.District, L.B.Nagar, Hyderabad.
- 2 Principal Junior Civil Judge (East and Northy), Ranga Reddy
District, L.B.Nagar, Hyderabad.
- 3 The Branch Manager Punjab National Bank,
Lal Bazar, Thirumala giri, Secunderabad.
- 4 A.Surya Kumar S/o.A.K.S.Sarma
R/o.16, G.K.Colony, Sainikpuri P.O. Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of certiorari declaring the action of the 1st respondent of issuing the Notice bearing Dis No.582/2002 dt.3.4.2002 to the 3rd respondent is illegal, arbitrary, improper and violation to Act 14 and Act 300 A of the Constitution of India while set aside the same.

Counsel for the Petitioner:PARTY-IN-PERSON

Counsel for the Respondent Nos 1and 2:Smt.M.Bhaskara Lakshmi (S.C. for APHC)

Counsel for the Respondent Nos.3 and 4 : None appeared

The Court made the following :

ORDER:

The defendant in O.S.No.177 of 1996 on the file of the Principal Junior Civil Judge(East & North), Ranga Reddy District is the daughter of the petitioner. The suit was filed by respondent No.4 and another by name Ramachander. During the pendency of the suit, an order under Order 38 Rule 5 C.P.C was obtained by the daughter of the petitioner by name Mrs. Tallita Tyagi. The petitioner offered his two F.D.Rs covering a sum of Rs.33,000/- as security. The suit was ultimately dismissed by the trial Court through its judgment, dated 29.12.2001. Aggrieved by the judgment and decree of the trial Court, the 4th respondent and Mr.Ramchander filed A.S.No.39 of 2002 before the learned I Additional District Judge, Ranga Reddy. In that suit, the appellants filed I.A.No.896 of 2002 for continuance of the security offered by the petitioner. The lower appellate Court issued a notice dated 03.04.2002 directing the Punjab National Bank not to permit the petitioner herein to encash the F.D.Rs. The petitioner challenges the same in this writ petition.

Heard the petitioner, who appeared in person.

The grievance of the petitioner is in relation to an interim order passed by the lower appellate Court regarding the continuation of the security offered by the petitioner herein. The necessity for this Court to deal with the legality or otherwise of the same is obviated, on account of the fact that the appeal itself was disposed of on 25.10.2003. Once the appeal is disposed of, the interim orders merge into it. As of now, the suit stands decreed for a sum of Rs.10,000/- with interest at the rate of 12% . The daughter of the petitioner is said to have filed a Second Appeal against the said judgment. The rights of the parties have to be worked out in the same. The direction issued in relation to the F.D.Rs of the petitioner stands dissolved with the disposal of the appeal. It is not known whether any interim orders were passed in the second appeal filed by the daughter of the petitioner.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to encash his F.D.Rs, unless the same is prohibited by any order in the second appeal. There shall be no order as to costs.

07.02.2005

Jsu

To

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- 4 2 CD copies